

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In re:

20230930-DK-BUTTERFLY-1, INC. f/k/a Bed Bath
& Beyond, Inc., *et.al.*,

Debtors.

MICHAEL GOLDBERG, as Plan Administrator for
20230930-DK-BUTTERFLY-1, INC. f/k/a Bed Bath
& Beyond, Inc.,

Plaintiff,

v.

FRANCHISE TAX BOARD OF THE STATE OF
CALIFORNIA, part of the California Government
Operations Agency, an agency of the State of
California, and CALIFORNIA DEPARTMENT OF
TAX AND FEE ADMINISTRATION, an agency of
the State of California,

Defendants.



Order Filed on June 27, 2025
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

Adversary No. 25-01181 (VFP)

DATED: June 27, 2025

Honorable Vincent F. Papalia
United States Bankruptcy Judge

(Page 2)

Debtors: 20230930-DK-BUTTERFLY-1, INC. f/k/a Bed Bath & Beyond, Inc.
Case No.: 23-13359 (VFP)
Adv. Proc.: Goldberg v. California Franchise Tax Board and California Department of
Tax and Fee Administration, 25-011814 (VFP)
Caption of Order: Stipulation and Consent Order Extending
Time to Submit Mediation Order

STIPULATION AND CONSENT ORDER
EXTENDING TIME TO SUBMIT MEDIATION ORDER

The relief set forth on the following pages, numbered (3) through (5) is hereby **ORDERED**:

(Page 3)

Debtors: 20230930-DK-BUTTERFLY-1, INC. f/k/a Bed Bath & Beyond, Inc.
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This stipulation and consent order (the “Stipulation”) is made by and between Michael Goldberg, in his capacity as the Plan Administrator (the “Plan Administrator” or “Plaintiff”) to 20230930-DK-Butterfly-1, Inc. (the “Wind-Down Debtors”) (f/k/a Bed Bath & Beyond Inc. and affiliated Debtors, the “Debtors”), and the Plaintiff and DefendantS, California Department of Tax and Fee Administration (“CDTFA”) and California Franchise Tax Board (“FTB”). Plaintiff and Defendants, by and through their undersigned counsel, shall be collectively referred to herein as the “Parties” or individually as a “Party.”

RECITALS

A. On April 23, 2023 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of New Jersey (the “Court”). The cases were jointly administered under the lead *case, In re Bed Bath & Beyond, Inc.*, et al., Case No. 23-13359 (VFP) (Bankr. D.N.J.).

B. On April 23, 2025, the Plan Administrator filed an adversary complaint against Defendants (the “Complaint”), thereby commencing the above-captioned adversary proceeding.

C. On April 24, 2025, the Clerk of Court issued the Summons and Notice of Pretrial Conference in an Adversary Proceeding [Adv. Doc. 2] (the “Summons”). The Summons requires the Parties to submit a proposed mediation order to the Court at least three (3) days prior to the pretrial conference in accordance with D.N.J. LBR 9019-2. The pretrial conference is scheduled for June 26, 2025.

(Page 4)

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D. To avoid the cost of mediation while the Parties attempt to resolve the asserted claims, the Parties hereby enter into this Stipulation, pursuant to which the Parties have agreed to extend the deadline to submit the proposed mediation order required by D.N.J. LBR 9019-2 for a period of 90 days to September 24, 2025. The Parties have agreed that if the Parties are not able to settle this proceeding among themselves by September 24, 2025, the Parties will submit the proposed mediation order to the Court.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, AND UPON COURT APPROVAL OF THIS STIPULATION, IT IS ORDERED THAT:

1. The Parties shall submit a proposed mediation order in accordance with D.N.J. LBR 9019-2 to the Court no later than September 24, 2025.
2. This Stipulation is without prejudice to any Party's rights.
3. The undersigned represent and warrant that they have full authority to execute this Stipulation on behalf of the respective Parties and that the respective Parties have full knowledge of, and have consented to, this Stipulation.
4. This Stipulation may be executed in counterparts or by facsimile or other electronic signature, and each such counterpart together with the others shall constitute one and the same instrument.

(Page 5)

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5. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Stipulation, and the Parties hereby consent to such jurisdiction to resolve any disputes or controversies arising from or related to this Stipulation.

Dated: June 20, 2025

AKERMAN LLP

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